

FORM-PTO-1390 (Rev. 12-29-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER  033312-001	
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)  09/830,432	
INTERNATIONAL APPLICATION NO. PCT/CA00/00990		INTERNATIONAL FILING DATE August 28, 2000		PRIORITY DATE CLAIMED August 26, 1999	
TITLE OF INVENTION COMPOSITION COMPRISING MICRONUTRIENTS IN COMBINATION WITH PREBIOTICS, PROBIOTICS, AND/OR SYNBIOTICS					
APPLICANT(S) FOR DO/EO/US Stanley H. ZLOTKIN					
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).</li> <li>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11. to 16. below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.  <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A substitute specification.</li> <li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>16. <input checked="" type="checkbox"/> Other items or information:          Attorney's Statement Claiming Small Entity Status and Request for Refund       </li> </ol>					

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) <b>09/830,432</b>		INTERNATIONAL APPLICATION NO. <b>PCT/CA00/00990</b>		ATTORNEY'S DOCKET NUMBER <b>033312-001</b>	
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17. <input checked="" type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS</b>		PTO USE ONLY	
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO . . . . . \$1,000.00 (960)  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO . . . . . \$860.00 (970)  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO . . . . . \$710.00 (958)  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) . . . . . \$690.00 (956)  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) . . . . . \$100.00 (962)							
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>							
				\$	0.00		
Surcharge of \$130.00 (154) for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <span style="float: right;">20 <input checked="" type="checkbox"/> 30 <input type="checkbox"/></span>				\$	130.00		
Claims	Number Filed	Number Extra	Rate				
Total Claims	25 -20 =	25	X\$18.00 (966)	\$	0.00		
Independent Claims	5 -3 =	5	X\$80.00 (964)	\$	0.00		
Multiple dependent claim(s) (if applicable)			+ \$270.00 (968)	\$	0.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	130.00		
Reduction for 1/2 for filing by small entity, if applicable (see below).				\$	65.00	-	
<b>SUBTOTAL =</b>				\$	65.00		
Processing fee of \$130.00 (156) for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <span style="float: right;">20 <input type="checkbox"/> 30 <input type="checkbox"/></span>				\$	0.00		
				+			
<b>TOTAL NATIONAL FEE =</b>				\$	65.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (581) per property +				\$	0.00		
<b>TOTAL FEES ENCLOSED =</b>				\$	65.00		
<b>08/03/2001 NGUYEN 00000135 09830432</b>				<b>Amount to be:</b>			
				<b>refunded</b>		\$	
				<b>charged</b>		\$	

  

a. <input checked="" type="checkbox"/> <del>Small</del> <b>Small</b> entity status is hereby claimed. b. <input checked="" type="checkbox"/> A check in the amount of \$ <u>65.00</u> to cover the above fees is enclosed. c. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-4800</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4800</u> . A duplicate copy of this sheet is enclosed.	<p style="text-align: right;">65.00 OP</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Regis E. Slutter, Esquire          BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P.          P.O. Box 1404          Alexandria, Virginia 22313-1404          (703) 836-6620</p> <p>Date: August 1, 2001</p>
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<p style="text-align: right;"><i>Matthew L. Schneider</i></p> <p>SIGNATURE</p> <p style="text-align: right;">Matthew L. Schneider</p> <p>NAME</p> <p style="text-align: right;">32,814</p> <p>REGISTRATION NUMBER</p>	
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Stanley H. ZLOTKIN	)	Group Art Unit: Unassigned
	)	
Application No.: 09/830,432	)	Examiner: Unassigned
	)	
Filing Date: April 26, 2001	)	
	)	
For: COMPOSITION COMPRISING	)	
MICRONUTRIENTS IN COMBINATION	)	
WITH PREBIOTICS, PROBIOTICS,	)	
AND/OR SYNBIOTICS	)	

**ATTORNEY'S STATEMENT CLAIMING SMALL  
ENTITY STATUS AND REQUEST FOR REFUND**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney states that the applicant is entitled to Small Entity Status.

It is respectfully requested that one-half of the \$1,110.00 original filing fee  
submitted on April 26, 2001 be refunded to applicant and deposited in Deposit Account  
No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 1, 2001

By: Matthew L. Schneider  
Matthew L. Schneider  
Registration No. 32,814

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/830432	ZLOTKIN	S. 033312-001
5611		INTERNATIONAL APPLICATION NO.
REGIS E SLUTTER BURNS DOANE SWECKER & MATHIS P.O. BOX 1404 ALEXANDRIA VA 22313-1404		PCT/CA00/00990
		I.A. FILING DATE
		PRIORITY DATE
		08/28/00
		08/26/99

DATE MAILED:

06/01/01

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☒ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.  | <input type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.  | <input type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.         |
| <input type="checkbox"/> Copy of Article 19 amendments.   | <input type="checkbox"/> Other:   |
| <input checked="" type="checkbox"/> Priority Document.  |   |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |   |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |   |

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- |  |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.   |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.   |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input checked="" type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  |

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

Lamont Hunter, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703 305-3686

DOCKETED CS

Declaration Due  
8/1/01

033312-001

Donahue

RES/MTS

RECEIVED

JUN 05 2001



U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/830432

ZLOTKIN

INTERNATIONAL APPLICATION NO.

032012 001

5611

REGIS E SLUTTER  
BURNS DOANE SWECKER & MATHIS  
P O BOX 1404  
ALEXANDRIA VA 22313-1404

I.A. FILING DATE PCT/CANADIAN DATE 91

DATE MAILED 08/28/00

08/26/99

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION** 06/01/01

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Lamont Hunter, Paralegal

Telephone: 703 305-3686